



PATENT  
Customer No. 22,852  
Attorney Docket No. 08702.0071-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hyun KIM *et al.*

Serial No.: 09/687,281

Filed: October 13, 2000

For: INJECTABLE CARRIER  
FORMULATIONS OF  
HYALURONIC ACID  
DERIVATIVES FOR DELIVERY  
OF OSTEOGENIC PROTEINS

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) Group Art Unit: 1651  
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) Examiner: Jon P. WEBER  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

In reply to the Office Action dated March 5, 2003, Applicants respectfully request reconsideration of this application in light of the following remarks and the attached Declaration under 37 C.F.R. § 1.132 by Dr. Hyun Kim. Claims 1-7 and 11 are pending in the application.

**Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1-5, 7, and 11 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,939,974 (Valentini). Valentini describes a solid scaffold carrier for implantation of BMPs. The synthesis of this solid (non-injectable) scaffold includes a step where the hyaluronic acid derivative is in a liquid form. The Examiner contends that this liquid solution intermediate meets the limitations of Applicants' claims because

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